IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9499 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

CHIEF GENERAL MANAGER

Versus

D M PARMAR

Appearance:

1. Special Civil Application No. 9499 of 2000

MR ANANT S DAVE for Petitioner No. 1

MR PH PATHAK for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 18/12/2001

ORAL JUDGEMENT

1. Rule. Service of Rule is waived by learned counsel Mr.Pathak for the respondent.

2. The learned counsel Mr.P.H.Pathak appearing for the respondent fairly conceded that the part of the award by which the petitioner is directed to grant temporary status to the respondent was not within the terms of reference and the Industrial Tribunal has travelled beyond the terms of reference to that extent. Therefore, that part of the award is required to be modified and rest of the award is required to be confirmed. Therefore, the petition is partly allowed and the impugned award is modified to the extent that the order regarding giving temporary status to the respondent would stand deleted. However, it is clarified that if the respondent is otherwise entitled to temporary status under any scheme or service rules of the petitioner, this order will not come in the way of operation of or demand of the benefit under such scheme or rules. No other aspect was argued by the learned counsel. Hence, the petition is partly allowed with the above observation and Rule is made absolute accordingly with no order as to costs.

Sd/-

18.12.2001 (D.H.Waghela, J.)

(KMG Thilake)